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since it is unclear what exactly is being claimed by the applicant. Further clarification is requested. Is applicant claiming sodium hydrogen carbonate? If this is the case applicant is requested to recite the full name of the compound.

Applicant cancelled claims 6, 8 and 21.

Rejections under 35 USC 102

Claims 17, 18, 21-23, 25-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy et al (5,849,263).

Applicants disagree, however, to advance the prosecution, applicants canceled claims 17, 18, 21-22, 23, 25-26 and 28.

Because of the claim cancellation, the rejection became moot.

Rejections under 35 USC 103

Claims 19-20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al (5,849,263).

Rejected claims are canceled from the application making the rejection moot.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al (5,849,263) by itself or in view of Meyer et al (5,958,902) in view of Alfonso et al (6,017,963).

Claims 6-16 are cancelled.

Claims 1-3 are restricted to a method for treatment of snoring by using tyloxapol nasal solution consisting of 1% of tyloxapol (10 mg/ml) in a spray having particle sizes between 5 and 10 microns (Claim 1), administered no later than 30 minutes before bedtime (Claim 2) and further consisting of 50 mg of glycerol and 20 mg of sodium bicarbonate in one ml of sterile water (Claim 3). These claims are supported in Example 1 (Spec. pages 59 and 60), describing the actual clinical study for effect of tyloxapol on snoring.

Claim 4 is restricted to a method for treatment of snoring by administering a tyloxapol nasal solution consisting of from

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0.1 to 0.55% of tyloxapol having a particle sizes of about 10 microns. Claim 5 is further restricted to the amount of tyloxapol of 5.5 mg/ml of sterile water. Claims 4 and 5 are supported by Example 2, pages 60 and 61, describing a dose-response clinical study of the effect of tyloxapol on snoring.


None of the cited prior art discloses the use of tyloxapol nasal solution having a limited particle sized for treatment of snoring and it is therefore, respectfully submitted that the narrow claims presented herein are allowable over the previously cited prior art for different reasons. Notice of Allowance is respectfully requested.

SUMMARY

In summary Applicant canceled claims 6-23, 25, 26, 28 and 29. Remaining claims 1-5 are not obvious from cited references. With this amendment, Applicant believes that all claims are in conditions for immediate allowance. Notice of allowance is respectfully solicited.

Respectfully submitted,

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